

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
MACK INDUSTRIES, LTD., <i>et al.</i> ,)	Case No. 17-09308
)	(Jointly Administered)
)	
Debtors.)	Hon. Carol A. Doyle
)	
)	Hearing: April 26, 2018 at 10:00 a.m.

NOTICE OF MOTION

TO: ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on Thursday, April 26, 2018 at 10:00 a.m., or as soon thereafter as counsel may be heard, we shall appear before the Honorable Carol A. Doyle in Courtroom 742 at 219 South Dearborn Street, Chicago, Illinois 60604, or before any other judge sitting in her place and stead, and present the following **Motion To Sell Certain Real Estate Free And Clear**, at which time and place you may appear if you so desire.

PURSUANT TO FED. R. BANKR. P. 9014 AND 9006(d) AND THE COURT'S ORDER APPROVING AND AUTHORIZING BIDDING AND SALE PROCEDURES FOR SALES OF REAL ESTATE FREE AND CLEAR (CASE NO. 17-09308, DKT. 316) ANY OBJECTIONS OR OTHER RESPONSES TO THIS MOTION MUST BE FILED BY OR BEFORE THURSDAY, APRIL 19, 2018, AT 11:59 P.M. CDT.

Dated: March 29, 2018

RONALD R. PETERSON, not individually
but as the chapter 7 Trustee for the bankruptcy
estates of Mack Industries, Ltd., *et al.*,

By: /s/ Ronald R. Peterson
Ronald R. Peterson

Ronald R. Peterson (2188473)
Angela M. Allen (6295519)
Landon S. Raiford (6297473)
Nicholas E. Ballen (6320258)
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
TEL: 312-222-9350
FAX: 312-527-0484

Counsel for the Chapter 7 Trustee

CERTIFICATE OF SERVICE

I, Ronald R. Peterson, an attorney, certify that on March 29, 2018, I caused a copy of the foregoing **Notice of Motion** and **Motion To Sell Certain Real Estate Free And Clear** to be served upon each of the parties listed on the attached Service List by the Court's CM/ECF system or first class U.S. mail postage prepaid, as indicated.

/s/ Ronald R. Peterson

Ronald R. Peterson

SERVICE LIST

By ECF Notification:

- Patrick S. Layng, U.S. Trustee - USTPRegion11.ES.ECF@usdoj.gov
- Stephen G. Wolfe - steve.g.wolfe@usdoj.gov
- David P. Lloyd - courtdocs@davidlloydllaw.com
- Eric G. Zelazny - Eric@lwslaw.com
- Bruce C. Dopke - bdopke@stahlcowen.com
- Ronald R. Peterson - rpeterson@jenner.com
- Angela M. Allen - aallen@jenner.com
- Mark W. Bina - mark.bina@quarles.com
- Jeffrey M. Monberg - jeffrey.monberg@quarles.com
- Thanh Nguyen - an.nguyen@quarles.com
- Kurt M. Carlson - kcarlson@carlsondash.com
- Jean Soh - jsoh@polsinelli.com
- Jerry L. Switzer - jswitzer@polsinelli.com
- John R. Potts - ryan@brotschulpotts.com
- Randall S. Borek - rborek@brotschulpotts.com
- Lauren Newman - lnewman@thompsoncoburn.com
- Konstantine T. Sparagis - gsparagi@yahoo.com
- Scott E. Jensen - sjensen@mjwchicago.com
- Thomas J. Dillon - t.dillon@mcidillaw.com
- Jonathan R. Koyn - jkoyn@hotmail.com
- Natalia Rzepka Griesbach - ngriesbach@lowis-gellen.com
- James E. Morgan - jem@h2law.com
- Harold E. McKee - hmckee@rmp-llc.com
- Jeffrey S. Burns - jsburns@hct.plaw.com
- Donald H. Segel - dsegel@sandslegal.com
- Jennifer Simutis - jennifersimutis@earthlink.net
- Edward P. Freud - epfreud@rfbnlaw.com
- Brandon R. Freud - brfreud@rwrlaw.com

- Thomas V. Askounis - taskounis@askounisdarcy.com
- Charles R. Woolley - rwoolley@askounisdarcy.com
- Michael M. Eidelman - meidelman@vedderprice.com
- Hannah M. Arenstam - harenstam@vedderprice.com
- Brian J. Jackiw - brianj@goldmclaw.com
- David Avraham - david.avraham@dlapiper.com
- Joel A. Schechter - joelschechter1953@gmail.com
- Martin D. Tasch - mtasch@momlaw.com
- Patrick T. Joy - pjoy@spklaw.com
- Jeffrey L. Gansberg - jgansberg@muchshelist.com
- Thomas W. Drexler - td@drexlaw.com
- Shelly A. DeRousse - sderousse@freeborn.com
- Robert M. Fishman - rfishman@shawfishman.com
- Brian L. Shaw - bshaw100@shawfishman.com
- David R. Doyle - ddoyle@shawfishman.com
- Frances Gecker - fgecker@fgllp.com
- Jeremy C. Kleinman - jkleinman@fgllp.com
- Micah R. Krohn - mkrohn@fgllp.com

By First Class Mail:

Mack Industries, Ltd.; Oak Park Avenue
Realty, Ltd.
c/o David P Lloyd
David P. Lloyd, Ltd.
615B S. LaGrange Rd.
LaGrange, IL 60525

638 West End
c/o Martin D. Tasch
Momkus McCluskey Roberts LLC
1001 Warrenville Road, Suite 500
Lisle, IL 60532

ABC Supply Co.
c/o Adam Whiteman
Whiteman Borden LLC
118 N. Clinton St., Suite LL 380
Chicago, IL 60661

Accident Insurance Co.
c/o Michael D. Weis
P.O. Box 1166
Northbrook, IL 60065

Peter Ager
c/o Donald H. Segel
Segel & Segel, P.C.
525 W. Monroe Street, Suite 2360
Chicago, IL 60661

Village of Alsip
c/o Susan M. Petzel
4500 W. 123rd Street
Alsip, IL 60803-2599

Alt Luck, Inc.
c/o Kyle Altenburg
10139 Minnick Avenue
Oak Lawn, IL 60453-3838

Amari & Locallo
c/o John Hoevel
Hoevel & Associates, P.C.
3935 N. Western Ave., Suite 1N
Chicago, IL 60618

American Express
c/o Kenneth I. Chenault
200 Vesey Street
New York, New York 10285

American Residential Leasing Company, LLC
c/o Jeffrey M. Monberg
Quarles & Brady LLP
300 N. LaSalle Street, Suite 4000
Chicago, IL 60654

Pedro Arellano
1147 Woodbine Ave.
Oak Park, IL 60302

Stacey Atsides
c/o Konstantine T. Sparagis
Law Offices of Konstantine Sparagis P C
900 W. Jackson Blvd., Suite 4E
Chicago, IL 60607

AT&T Corp.
c/o AT&T Services, Inc. - Karen A. Cavagnaro
One AT&T Way, Room 3A104
Bedminster, NJ 07921

Matthew Austin
22798 Sara Springs Dr.
Frankfort, IL 60423

Andrew Batshaw
26A Lost Valley Dr.
Orinda, CA 94563

Benchmark Management Group, Inc.
c/o Edward S. Margolis
Teller, Levit & Silvertrust, P.C.
19 S. LaSalle St., Suite 701
Chicago, IL 60603

Ashok Bhojwani
11522 Century Circle
Plainfield, IL 60585

Blackhawk Bay Homes LLC
c/o Brian J. Jackiw
Goldstein & McClintock LLLP
111 W. Washington Street, Suite 1221
Chicago, IL 60602

Blue Sky Investments, LLC
c/o David Barker
1654 Oakleaf Lane
Pittsburg, PA 15237

Bruce E. Bosler
830 Stonegate Court
Vacaville, CA 95687

Scott Bradley
c/o Donald H. Segel
Segel & Segel, P.C.
525 W. Monroe Street, Suite 2360
Chicago, IL 60661

Bryen Blankenship
1156 Springfield Dr.
Campbell, CA 95008

Matthew Chan
1808 Oceano Way
Davis, CA 95618

Alin Chera
P.O. Box 2679
Santa Rosa, CA 95405

Wilson Cheung
1942 Rosebud Court
San Jose, CA 95128

Zhi Wei Cheung
228 Roosevelt Dr.
Poughquag, NY 12570-5602

CHI 2 SF, LLC
c/o Michael J. McGuire
Gregorio Marco
2 N. LaSalle St., Suite 1650
Chicago, IL 60602

City of Chicago Department of Finance
Utility Billing and Customer Service
c/o Agnieszka Pikus
P.O. Box 6330
Chicago, IL 60604

Town of Cicero
c/o Maria Punzo-Arias, Town Clerk
4949 W. Cermak Rd.
Cicero, IL 60804

CIT Finance, LLC
c/o Amy Tate
P.O. Box 593007
San Antonio, TX 78259

City Electric Supply Co.
c/o Jim Vanwlayer Glass
1519 St. Paul Ave.
Gurnee IL 60031

Colony American Finance Lender, LLC
c/o Jerry L Switzer
Polsinelli, PC
150 North Riverside Plaza, Suite 3000
Chicago, IL 60606

Alisa M. Comeau
11406 Windleaf Ct. # B
Reston, VA 20194

Phillip Comeau
10904 Woodland Falls Dr.
Great Falls, VA 22066

Cook County Assessor
118 N. Clark St., 3rd Floor
Chicago, IL 60602

Cook County States Attorney's Office
c/o Lauren Klein
50 W. Washington St., Room 500
Chicago, IL 60602

Country Club Hills
c/o Deborah McIlvain, Clerk
4200 W. Main St.
Country Club Hills, IL 60478

Village of Crete
c/o Deborah S. Bachert, Village Clerk
524 W. Exchange St.
Crete, IL 60417

Joseph M Cusick
4010 Thompsondale Road
Coopersburg, PA 18036

Dawnsun Ray LLC
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St Ste 800
Madison, WI 53703

Farrell Delman
102 Bear Brook Road
Princeton, NJ 08540

Eugene Denton
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Billy Desai
c/o Zoran Balac
Blackacre Law Group, LLC
10 East Doty St., Suite 800
Madison, WI 53703

Village of Dolton
c/o Mary Kay Duggan, Village Clerk
14122 Chicago Rd.
Dolton, IL 60419

Scott Duffy
1545 West Fry Street, Unit #2
Chicago, IL 60642

Ben Dunning
30 Castle Street
San Francisco, CA 94133

DuPage County
c/o Paul Hinds, County Clerk
421 N. County Farm Rd.
Wheaton, IL 60187

ECRM, LLC
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St Ste 800
Madison, WI 53703

Zach Eichenberger
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Village of Elmwood Park
c/o Gina M. Pesko, Village Clerk
11 Conti Parkway
Elmwood Park, IL 60707

Engineered Tax Services, Inc.
c/o Dawn M. Alba
303 Evernia Street, Suite 300
West Palm Beach, FL 33401

Equity Trust Custodian FBO Farrell Delman
Roth IRA
c/o Farrell Delman
102 Bear Brook Road
Princeton, NJ 08540

Nathaniel Felsen
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Anthony Ferrara
P.O. Box 15681
Beverly Hills, CA 90209

Village of Franklin Park
c/o Irene Avitia, Village Clerk
9500 W. Belmont Ave.
Franklin Park, IL 60131-2768

Glenn A. Fraser
4070 Bucknall Rd.
Campbell, CA 95008

John J. Frieders
88 N. Timberlake Trail
Oswelo, IL 600543

Frog Real Estate LLC
c/o Srinivas Panguluri
13000 Mozart Way
Cerritos, CA 90703

Thomas Fujinaga
10174 Macadam Lane
Cupertino, CA 95014

Gecko Mack LLC
c/o Josh Robbins
951 Drake Rd.
Glenview, IL 60025

City of Geneva
c/o Roger Godskesen, City Clerk
22 S. First St.
Geneva, IL 60134

Gillette Investments LLC
c/o Charles R. Gillette
482 N Bur Sage Trl.
Ivins, Utah 84738

Village of Glenwood
c/o John F. Donahue, Village Attorney
Rosenthal, Murphey, Coblenz & Donahue
30 N. LaSalle St., Suite 1624
Chicago, IL 60602

Michal Glinianski
1965 Chloe Cir.
Greencastle, PA 17225

Grand Teton 1, LLC
c/o Aimee Wight
2101 Oak Ave
Northbrook, IL 60062

Linda & Terrence L. Gregory
4802 Corte De Avellano
San Jose, CA 95136

Manu Gulati & Dolly Sood
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Brad Hart
c/o Timothy F. Nixon
Godfrey & Kahn, S.C.
200 S. Washington St., Ste. 100
Breen Bay, WI 54301

Michelle Hawkins
1774 Briarwood Dr.
Santa Clara, CA 95051

Village of Hazel Crest
c/o Isaac Wiseman, Village Clerk
3000 W. 170th Place
Hazel Crest, IL 60429

Carmen Herrera
c/o Daniel M. Breen
111 W. Washington St., Suite 1500
Chicago, IL 60602

Village of Hillside
c/o Linda L. Gould, Village Clerk
425 N. Hillside Ave.
Hillside, IL 60162

The Home Depot
c/o Craig A. Menear
2455 Paces Ferry Road NW
Atlanta, GA 30339

A Home with Heart #1 LLC; A Home with
Heart #2 LLC
c/o Mary Stein
P.O. Box 461366
Los Angeles, CA 90046

Joseph H. Hood
c/o Zoran Balac
Blackacre Law Group, LLC
10 East Doty St., Suite 800
Madison, WI 53703

Jennifer Hsu
211 First Avenue Apt 6
New York, NY 10003

Christopher Hull & Sandra J. Hull
6 Juel Drive
Hawthorn Woods, IL 60047

ILAMAV LLC
c/o Thomas W. Drexler
221 N. LaSalle St., Suite 1600
Chicago, IL 60601

Illinois Department of Revenue
Bankruptcy Section
P.O. Box 64338
Chicago, IL 60664

D. Patrick Mullarkey
Tax Division (DOJ)
P.O. Box 55
Ben Franklin Station
Washington, DC 20044

United States Attorney
Civil Process Clerk
219 S. Dearborn Street, Room 500
Chicago, Illinois 60604

Internal Revenue Service
P.O. Box 7346
Philadelphia, Pennsylvania 19101

Namrata Jeshang
249 Wille Ave.
Wheeling, IL 60090

Hanna Jung & Nathaniel Felsen
156 Midcrest Way
San Francisco, CA 94131

Dale F. Kalman
12009 Cashlenan Lane
New Lenox, IL 60451

Nilesh Kansagra
2 Curtis Terrace
Montclair, NJ 07042

Timothy Keely
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Michelle R. Klaus
3830 W. 26th Ave.
Denver, CO 80211

LaGrange Highlands Sanitary District
c/o William G. Cisar
Cisar & Mrofka, Ltd.
One MidAmerica Plaza Suite 125
Oakbrook Terr., IL 60181

Village of Lansing
c/o Vivian Payne, Village Clerk
3141 Ridge Rd.
Lansing, IL 60438

Michelle & Troy Liddi
5984 Bridgeport Lake Way
San Jose, CA 95123

Mark Lee Lim, Director of Point Eight Ltd.,
Trustee for USA Property One Trust
c/o Donald H. Segel
525 W. Monroe St., Suite 2360
Chicago, IL 60661

Lowe's Home Improvement
c/o Robert Niblock
1000 Lowe's Boulevard
Mooresville, NC 28117

M T Z Enterprises, LLC
c/o Joel A. Schechter
Law Offices of Joel Schechter
53 W. Jackson Blvd., Suite 1522
Chicago, IL 60604

Mack Investments I, LLC; Mack Investments II,
LLC; Mack Services, LLC
c/o James R. Pittacora
Enterprise Law Group, LLP
150 S. Wacker Dr., Suite 1600
Chicago, IL 60606

Tapan Maniar
850 Moraga Drive, Apt 6
Los Angeles, CA 90049

Nitin Maniar
42 Aspen Dr.
Livingston, CA 07039

Ann McClelland
15225 Willow Creek Lane, Suite L
Orland Park, IL 60467

James H. McClelland
111 Ruffled Feathers
Lemont, IL 60439-7755

James K. McClelland
15225 Willow Creek Lane, Suite L
Orland Park, IL 60467

Keith McClelland
12440 Country View Lane
Homer Glen, IL 60491

Brennen Love McConnell
3572 Mechanicsburg Road
Wooster, OH 44691

Menard, Inc.
c/o John R. Menard, Jr.
5101 Menard Drive
Eau Claire, WI 54703-9604

Rami Mitri
2284 Kingsmill Crescent
Oakville, Ontario
L6M 3X9 Canada

MM REALTY 1 LLC; MM REALTY 2 LLC; Anthony Montgomery
MM REALTY 4 LLC; MM REALTY 5 LLC; 3544 218th Place
MM REALTY 6 LLC; MM REALTY 7 LLC Matteson, IL 60443
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty Street, Suite 800
Madison, WI 53703

Mountain 2nd Holdings, LLC & Mountain Mary Nosse
High Holdings, LLC 7659 W. Sterling Dr
c/o Donald H. Segel Frankfort, IL 60423
Segel & Segel, P.C.
525 W. Monroe Street, Suite 2360
Chicago, IL 60661

Village of Oak Park Old Republic Surety Company
c/o Vicki Scaman, Village Clerk c/o Harold E. McKee
123 Madison St. Schuyler, Roche & Crisham, P.C.
Oak Park, IL 60302-4272 180 N. Stetson Avenue, Suite 3700
Chicago, IL 60601

Village of Orland Park Paglaki, LLC
c/o John C. Mehalek, Village Clerk c/o Donald H. Segel
14700 Ravinia Ave. Segel & Segel, P.C.
Orland Park, IL 60462 525 W. Monroe Street, Suite 2360
Chicago, IL 60661

Peoples Gas Light & Coke Company Pitney Bowes, Inc.
c/o G. Portillo c/o Grisselle Betancourt
WEC Energy Group 27 Waterview Dr., 3rd Fl.
200 E. Randolph St. Shelton, CT 06484
Chicago, IL 60601

James R. Pittacora PNC Equipment Finance, LLC
Enterprise Law Group, LLP c/o Robert E. Walton / Thomas P. Stevens
150 S. Wacker Dr., Suite 1600 Flamm Walton Heimbach & Lamm PC
Chicago, IL 60606 794 Penllyn Pike, Suite 100
Blue Bell, PA 19422

Protection One Debra Romelia Rameriz
c/o Timothy J. Whall 5984 Bridgeport Lake Way
1035 North Third Street, Suite 101 San Jose, CA 95123
Lawrence, KA 66044

Adrienne Regard
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Reifel Investments, LLC
c/o Brian J. Jackiw
Goldstein & McClintock LLP
111 W. Washington Street, Suite 1221
Chicago, IL 60602

Renovo Financial, LLC
c/o Patrick T. Joy
Stone Pogrud & Korey LLC
1 E. Wacker Drive, Suite 2610
Chicago, IL 60601

Republic Services, Inc.
c/o Raul Garza
2608 S. Damen Ave.
Chicago, IL 60608

Reveliotis Law, P.C.
c/o George Nicholas Reveliotis
1030 Higgins Road, Suite 101
Park Ridge, IL 60068

RFLF 1, LLC; RFLF 2, LLC; RFLF 3, LLC;
RFLF 4, LLC
c/o Patrick T. Joy
Stone Pogrud & Korey LLC
1 E. Wacker Drive, Suite 2610
Chicago, IL 60601

Village of Richton Park
c/o Joe Canady, Village Clerk
4455 Sauk Trail
Richton Park, IL 60471

Rogan Granitindustrie, Inc.
c/o Thomas Robert Rogan
21550 Lincoln Highway
Lynwood, IL 60411

Wesley Rosenthal
3026 Lakemont Dr., Unit 3
San Ramon, CA 94582

Erin E. Ruettiger & John J. Standing III
9107 S. Hamilton Ave.
Chicago, IL 60643

Andrew Salvatore
c/o Konstantine T. Sparagis
Law Offices of Konstantine Sparagis P C
900 W. Jackson Blvd., Suite 4E
Chicago, IL 60607

Kunal Sarin
2301 Kealsy Lane
Aurora, IL 60503

Sears Holdings Management Corporation
d/b/a Sears Commercial
c/o Edward S. Margolis
Teller, Levit & Silvertrust, P.C.
19 S. LaSalle St., Suite 701
Chicago, IL 60603

Sears, Roebuck and Co.
d/b/a Sears Commercial
c/o Matthew Joly / Sears Holdings Mgmt. Corp.
3333 Beverly Road #B6-313A
Hoffman Estates, IL 60179-0001

Shawn Severinsen
3157 Heather Ridge Dr.
San Jose, CA 95136

The Sherwin-Williams Company
c/o Michael B. Bach
DeHaan & Bach, LPA
25 Whitney Drive, Suite 106
Milford, OH 45150

Seneca Silkenson
20603 Hoveden Ct.
Katy, TX 77450

Skrechi Holdings, LLC
c/o Sameer Kero
19 N. Aberdeen St., Unit PHN
Chicago, IL 60607

The SMB Help Desk, Inc.
c/o Lisa M. Rocanova
Daley Mohan Groble, PC
55 W. Monroe Street, Suite 1600
Chicago, IL 60546

Katherine Smith
19416 Elm Dr.
Country Club Hills IL 60478

Alicia Solis
487 Duane Street
Glen Ellyn, Illinois 60137

Village of South Holland
c/o Sallie D. Penman, Village Clerk
16226 Wausau Ave.
South Holland, IL 60473

SpringView II-EG LLC; SpringView II-HH LLC;
SpringView II-MB LLC; SpringView III IL A LLC;
SpringView Investments II IL I LLC; SpringView
Investments II IL II LLC
c/o David Avraham
DLA Piper LLP
444 West Lake Street, Suite 900
Chicago, IL 60606

StanCorp Mortgage Investors, LLC
c/o Jeffrey S. Burns
Haskin, Corrigan, Tabis & Parravano, P.C
128 S. County Farm Rd., Suite A
Wheaton, IL 60187

Thomas Steen
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Neil Stevens
4236 Franklin Ave.
Los Angeles, CA 90027

Village of Summit
c/o Sergio A. Garcia, Village Clerk
7321 W. 59th St.
Summit, IL 60501

Sycamore Properties, LLC
c/o Brent Cunningham
1117 Country Drive
Shorewood, IL 60404

TBBT LLC
c/o Zoran Balac
Blackacre Law Group, LLC
10 East Doty St., Suite 800
Madison, WI 53703

Wesley Alan Thompson
1206 Parliament Ct.
Livertyville, IL 60048

Village of Tinley Park
c/o Kristin A. Thirion, Village Clerk
16250 S. Oak Park Ave.
Tinley Park, IL 60477

Tinley Park Associates, LLC
c/o Leader Management Co.
31800 Northwest Highway, #310
Farmington Hills, MI 48334

TJR International Chicago, LLC
c/o Brian J. Jackiw
Goldstein & McClintock LLP
111 W. Washington Street, Suite 1221
Chicago, IL 60602

Michael & Anastasia Torok
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Hao & Thao Tran
847 Fair Way
Libertyville, IL 60048

TTS Granite, Inc.
c/o Alan J. Bernstein
Law Offices of Alan J. Bernstein, Ltd.
10 S. LaSalle St., Suite 1420
Chicago, IL 60603

Stephen Turczynskyj
c/o Zoran Balac
Blackacre Law Group, LLC
10 E Doty St, Suite 800
Madison, WI 53703

Valley Fire Protection Systems, LLC
c/o Martin D. Tasch
Momkus McCluskey Roberts LLC
1001 Warrenville Road, Suite 500
Lisle, IL 60532

Van Drunen Heating & Air Conditioning, Inc.
c/o Stephen E. Vander Woude
Lanting Paarlberg & Associates, Ltd.
938 W. US 30
Schererville, IN 46375

Victor Vyas
40 Iron Ore Rd.
Manalapon, NJ 07726

Edward J. Walsh
201 Harrison St. #116
San Francisco, CA 94105

Latasha Warnsley-McGee
c/o Jason E. Hammond
Hammond Law, LLC
150 N. Michigan Ave., Suite 800
Chicago, IL 60601

WB Real Estate Investment Management, LLC
c/o David Avraham
DLA Piper LLP
444 West Lake Street, Suite 900
Chicago, IL 60606

Bastian Weinhold, Bted LLC
120 Riverside Blvd., Apt. 10H
New York City, NY 10069

Wells Fargo Financial Leasing
c/o Timothy Reese
800 Walnut Street MAC N0005-055
Des Moines, IA 50309

Brittney & Christopher Wilson
3934 Iron Gate Way
Rancho Cordova, CA 95742

Christopher Yip & Jenna Zhong
1645 Quintara St.
San Francisco, CA 94116

Zend'o Associates 401k Trust
c/o Farrell Delman
102 Bear Brook Road
Princeton, NJ 08540

By Certified Mail:

Amalgamated Bank of Chicago
c/o Bruce C. Dopke
Stahl Cowen Crowley Addis LLC
55 W. Monroe Street, 12th Floor
Chicago, IL 60603

Bank of America, N.A.
c/o Brian T. Moynihan
100 North Tryon Street
Charlotte, NC 28255-0001

Capital One, N.A.
c/o Richard Fairbank
1680 Capital One Dr.
McLean, VA 22102

Chemical Bank
c/o Kurt M. Carlson
Carlson Dash LLC
216 S. Jefferson Street, Suite 504
Chicago, IL 60661

First Bank of Highland Park
c/o Kyle Dillon
McFadden & Dillon PC
120 S. LaSalle Street, Suite 1335
Chicago, IL 60603

First Community Financial Bank
c/o John R. Potts
Brotschul Potts LLC
30 N. LaSalle Street, Suite 1402
Chicago, IL 60602

First Secure Community Bank & First Secure
Bank & Trust Co.
c/o Jonathan R Koyne
1034 Sterling Ave., Suite 108
Flossmoor, IL 60422

Iroquois Federal Savings & Loan Association
c/o Jennifer L. Simutis
Law Offices of Frank J. Simutis, P.C.
123 S. 4th Street
Watseka, IL 60970

JPMorgan Chase Bank, N.A.
c/o Todd A. Combs
1111 Polaris Pkwy.
Columbus, OH 43240

Marquette Bank
c/o Kristopher A. Capadona
Capadona Law Firm, Ltd.
360 W. Butterfield Road, Suite 300
Elmhurst, Illinois 60126

MB Financial Bank, N.A.
c/o Scott E. Jensen
Murray, Jensen & Wilson, Ltd.
101 North Wacker, Suite 101
Chicago, IL 60606

Metropolitan Capital Bank & Trust
c/o James E. Morgan
Howard & Howard Attorneys PLLC
200 S. Michigan Avenue, Suite 1100
Chicago, IL 60604

Midland States Bank
c/o Natalia Rzepka Griesbach
Lowis & Gellen LLP
200 West Adams St., Suite 1900
Chicago, IL 60606

Old Second National Bank
c/o Lauren Newman
Thompson Coburn LLP
55 E. Monroe, 37th Floor
Chicago, IL 60603

Pan American Bank & Trust
c/o Jeffrey L. Gansberg
Much Shelist
191 N. Wacker Drive, Suite 1800
Chicago, IL 60606

Republic Bank of Chicago
c/o Edward P. Freud
Ruff, Freud, Breems & Nelson, Ltd.
200 N. LaSalle Street, Suite 2020
Chicago, IL 60601

Wells Fargo, N.A.
c/o Timothy J. Sloan
101 N. Phillips Avenue
Sioux Falls, SD 57104

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Chapter 7
)	
MACK INDUSTRIES, LTD., <i>et al.</i> ,)	Case No. 17-09308
)	(Jointly Administered)
)	
Debtors.)	Hon. Carol A. Doyle
)	
)	Hearing: April 26, 2018 at 10:00 a.m.

MOTION TO SELL CERTAIN REAL ESTATE FREE AND CLEAR

Ronald R. Peterson, not individually, but as chapter 7 trustee (the “Trustee”) for the bankruptcy estates of Mack Industries, Ltd., *et al.* (the “Debtors”), respectfully requests that the Court enter an Order pursuant to 11 U.S.C. § 363(b), (f) and (m) and Fed. R. Bankr. P. 6004 authorizing the Trustee to sell the interest of the Mack Industries, Ltd. estate in certain parcels of real estate in accordance with the bidding and sale procedures for conducting sales of real estate free and clear (the “Bidding and Sale Procedures”) approved and authorized by the Court’s December 21, 2017 Order Approving and Authorizing Bidding and Sale Procedures for Sales of Real Estate Free and Clear (the “Bidding Procedures Order”) (Dkt. 316)¹, and states:

JURISDICTION & VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2) in which the Court may constitutionally enter a final order, and the Trustee consents to the entry of a final order by the Court. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

¹ Unless otherwise noted, all citations to docket entries in this Motion refer to the docket in the lead case in these jointly administered cases: Case No. 17-09308.

2. This Motion is made pursuant to § 363 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) and Rule 6004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

3. Ronald R. Peterson serves as the permanent chapter 7 trustee of the Debtors.

4. At the time the Debtors filed bankruptcy, they owned approximately 200 parcels of real estate. Since the Trustee’s appointment, one of his primary goals in these cases has been the liquidation of those parcels of real property. To that end, on November 30, 2017, the Trustee brought a motion to approve the Bidding and Sale Procedures and authorize the Trustee to move forward with his efforts to auction and sell the bulk of the Debtors’ real estate inventory, specifically, approximately 175 parcels of real estate (the “Properties”) in Cook, Will and DuPage Counties.

5. Pursuant to the Bidding and Sale Procedures, the Trustee placed the Properties into discrete lots or groups of individual Properties (the “Property Portfolios”) based on the creditors (the “Secured Lenders”) who assert secured claims in or against the Properties.

6. One such Property Portfolio contains eighteen parcels of real estate located in Cook County that are owned by the Mack Ltd. estate and that have the following tax parcel identification numbers and addresses, and whose legal descriptions are attached as Exhibit A hereto and incorporated herein by reference (“Portfolio 13”):

Property Address: 2029 North Kenneth Avenue, Chicago, IL 60639
PIN: 13-34-129-011-0000

Property Address: 2640 First Private Road, Flossmoor, IL 60422
PIN: 31-12-401-004-0000

Property Address: 3304 Calwagner Ave., Franklin Park, IL 60131
PIN: 12-21-414-033-0000

Property Address: 10953 South Troy Street, Chicago, IL 60655
PIN: 24-13-309-018-0000; 24-13-309-019-0000

Property Address: 1020 East 153rd Street, South Holland, IL 60473
PIN: 29-11-323-020-0000

Property Address: 19000 Hamlin Avenue, Flossmoor, IL 60422
PIN: 31-02-316-011-0000; 31-02-316-012-0000

Property Address: 317 East Hirsch Avenue, Northlake, IL 60164
PIN: 15-05-226-017-0000

Property Address: 430 Prairie Avenue, Calumet City, IL 60409
PIN: 29-12-125-035-0000

Property Address: 15820 South Park Ave., South Holland, IL 60473
PIN: 29-15-108-022-0000; 29-15-108-027-0000

Property Address: 449 Campbell Avenue, Calumet City, IL 60409
PIN: 30-07-134-034-0000

Property Address: 1182 South Lyman Avenue, Oak Park, IL 60304
PIN: 16-17-330-013-0000

Property Address: 9544 Moody Avenue, Oak Lawn, IL 60453
PIN: 24-08-104-034-0000; 24-08-104-035-0000

Property Address: 370 Mackinaw Avenue, Calumet City, IL 60409
PIN: 30-07-207-016-0000

Property Address: 4726 West Patterson Avenue, Chicago, IL 60641
PIN: 13-22-121-034-0000

Property Address: 15130 Jeffery Avenue, Calumet City, IL 60409
PIN: 29-12-310-068-0000

Property Address: 1014 Eagle Point Drive, Matteson, IL 60443
PIN: 31-20-116-002-0000

Property Address: 2824 186th Street, Lansing, IL 60438
PIN: 30-31-425-009-0000; 30-31-425-010-0000

Property Address: 17669 Peacock Lane, Tinley Park, IL 60487
PIN: 27-34-112-006-0000

7. Amalgamated Bank of Chicago (“Amalgamated”) asserts a secured claim against Portfolio 13 in the amount of \$3,461,640.14. Knowing that Amalgamated likely would credit bid on Portfolio 13, the Trustee negotiated a Lender Fee Agreement with Amalgamated regarding: (i) the terms of any credit bid Amalgamated might make as to Portfolio 13; and (ii) how the proceeds of any sale of Portfolio 13 were to be divided between the Trustee and Amalgamated in the event of a sale of Portfolio 13 to either Amalgamated or another buyer. The Lender Fee Agreement is subject to this Court’s approval and is attached hereto as Exhibit B.

8. Specifically, the Lender Fee Agreement provides that if the Trustee selects a credit bid by Amalgamated as the winning bid for Portfolio 13, then the Trustee would seek authority from the Court to sell Portfolio 13 to Amalgamated free and clear, subject to certain enumerated exceptions discussed more specifically below. In return, Mack Ltd.’s estate would receive: \$7,500.00 times the number of individual parcels of real estate in Portfolio 13 (the “Sale Fee”); and a broker’s commission to Foresite Realty Partners, LLC (“Foresite”) in the amount of 3.0% of the credit bid amount (“Foresite’s Commission”). In addition, Amalgamated agreed to pay any § 506(c) costs and termination fees charged by a title company for title commitments or minutes of foreclosure previously ordered by the Trustee for Portfolio 13. (*See* Ex. B, at 2.)

9. After an extensive marketing and bid process under the Bidding and Sales Procedures, Amalgamated’s credit bid of \$3,154,925.00 proved to be the winning bid for Portfolio 13 of all the eligible bids made for Portfolio 13.

10. Accordingly, on March 16, 2018, the Trustee agreed, subject to the Court’s approval, to enter into a contract for the sale of Mack Ltd.s’ interest in Portfolio 13 (the “Credit Bid Agreement”) to Amalgamated for a credit bid in the amount of \$3,154,925.00 (the “Credit

Bid”). (See Ex. C, at 2-3.) A copy of the Credit Bid Agreement with all exhibits is attached hereto as Exhibit C.

11. The Credit Bid Agreement provides that the Trustee will not be responsible for the payment of any usual or customary closing costs, whether incurred by the Trustee or Amalgamated in connection with the proposed sale, and that Amalgamated instead will pay or assume the following: title commitment and policy fees, including premiums; unpaid real property taxes due and payable during the calendar year 2016 and prior years; state and county documentary stamp or other transfer taxes; recording charges or costs; Amalgamated’s due diligence costs; Amalgamated’s attorney’s fees; the Sale Fee for the Mack Ltd. estate of \$135,000.00 (the product of \$7,500.00 and eighteen, which is the number of parcels in Portfolio 13); and Foresite’s Commission of \$94,647.75 (3.0% of the credit bid amount). (See Ex. C, at 3-4.)

12. Additionally, the Credit Bid Agreement provides that the Trustee will seek authority to sell Portfolio 13 free and clear of any liens, claims, encumbrances, or other interests, with any such interests to attach to the sale proceeds, subject to the following exceptions: any laws, rules, regulations, statutes, ordinances, orders, other legal requirements affecting the Property, including, without limitation, those relating to zoning and land use; all violations of laws, rules, regulations, statutes, ordinances, orders or requirements, now or hereafter issued or noted; conditions, covenants, and restrictions of record; rights and easements for the benefit of private parties and the public, including, without limitation, for the following uses and utilities: electricity, water, steam, gas, telephone utilities, drainage, and roads and highways; or other service or the right to use and maintain poles, lines, wires, cables, pipes, boxes, and other fixtures and facilities in, over, under and upon the Property; party wall rights and agreements; special taxes or assessments for improvements not yet completed and for improvements already completed;

unrecorded leases; any and all utility liens; any and all mechanic's liens; any past due and unpaid general real estate taxes and real estate taxes for the year 2017 and subsequent years; any unknown or unidentified tort claims; and matters shown or that would be disclosed by an accurate and complete survey of the Premises completed in accordance with the ALTA/ACSM land title survey standards for commercial/industrial property. (Ex. C, at 4-5.)

13. Additionally, the Credit Bid Agreement and Lender Fee Agreement cover a certain parcel of real property located in Cook County commonly known as 17669 Peacock Lane, Tinley Park, IL 60487 (the "Peacock Property"). (See Ex. B, at 7; Ex. C, at 2-3, 22, 24.) The Peacock Property was included in the sale approved by the Court's February 1, 2018 Order Authorizing Trustee To Sell Real Estate Free And Clear On Shortened Notice. (Dkt. 352, at 4-5.) The Trustee agreed to also include the Peacock Property in this proposed sale at Amalgamated's request as a precaution for the event that the already-approved sale is not consummated. Accordingly, the Credit Bid Agreement provides that if the Peacock Property closes as planned, the amount of Credit Bid will be reduced by \$208,000.00 to \$2,946,925.00. (See Ex. C, at 3-4.)

RELIEF REQUESTED

14. By this Motion, pursuant to Bankruptcy Code § 363(b), (f) and (m) and Bankruptcy Rule 6004, the Trustee seeks: authority to sell Portfolio 13 pursuant to the terms of the Credit Bid Agreement and Lender Fee Agreement and free and clear of all liens, claims, encumbrances and other interests, with all such interests to attach to the sale proceeds, except as otherwise provided by section 11 of the Credit Bid Agreement; a finding that Amalgamated is a purchaser in good faith within the meaning of Bankruptcy Code § 363(m); a finding that the Trustee has given sufficient and appropriate notice of this Motion and the proposed sale and no further or other notice is necessary; a finding that in light of the absence of any objections or other responses to the Motion

and the notice given by the Trustee, any party with any lien, claim, encumbrance, or other interest in Portfolio 13 that is not a Permitted Exception under section 11 of the Credit Bid Agreement has consented to the sale free and clear within the meaning of Bankruptcy Code § 363(f)(2); and a provision that the Order granting the relief sought in this Motion will not be stayed for fourteen days after entry, but will be effective and enforceable immediately upon entry pursuant to Bankruptcy Rule 6004(h).

BASIS FOR RELIEF

15. Sales outside the ordinary course of business pursuant to § 363(b) are proper upon notice and a hearing where the trustee has a sound business reason for the proposed sale. *Fulton State Bank v. Schipper (In re Schipper)*, 933 F.2d 513, 515 (7th Cir. 1991); *In re Efoora, Inc.*, 472 B.R. 481, 488-92 (Bankr. N.D. Ill. 2012). Under this standard, the “trustee has considerable discretion when it comes to the sale of estate assets, and that discretion is entitled to ‘great judicial deference’ as long as a sound business reason is given.” *Efoora*, 472 B.R. at 488.

16. The Trustee, upon due consultation with Foresite and counsel, believes that the Credit Bid constitutes a fair consideration for the interest of the Mack Ltd. estate in Portfolio 13, in light of: the open bidding process conducted by the Trustee under the Bidding and Sale Procedures and the Bidding Procedures Order, including extensive efforts by the Trustee and Foresite to market Portfolio 13 and to solicit bids and negotiate higher offers; the condition of the individual parcels within Portfolio 13; and the prevailing market conditions for single- and multi-family resident real estate in the greater Chicago area.

17. The Trustee further believes that his determination to accept Amalgamated’s credit bid, as the highest bid placed on Portfolio 13, and subject to the terms of the Lender Fee Agreement, is reasonable, yields a fair recovery for the Mack Ltd. estate via the Sale Fee given the

extent of Amalgamated's liens in Portfolio 13, is in the best interest of the estates and creditors, and so reflects a sound exercise of the Trustee's business judgment under the circumstances.

18. In addition, the Trustee believes that the Lender Fee Agreement, Credit Bid Agreement, and contemplated sale free and clear are the result of arm's length negotiations in good faith and not by means forbidden by law, and that Amalgamated has at all times throughout the process acted in good faith.

19. Accordingly, pursuant to Bankruptcy Code § 363(b) and (f), the Trustee seeks authority to sell Portfolio 13 pursuant to the terms of the Credit Bid Agreement and the Lender Fee Agreement and free and clear of all liens, claims, encumbrances and other interests, with all such interests to attach to the sale proceeds, except as otherwise provided by section 11 of the Credit Bid Agreement.

20. Further, the Trustee requests that the Court find that the Purchaser is a purchaser in good faith within the meaning of § 363(m) of the Bankruptcy Code, and provide that, pursuant to Bankruptcy Rule 6004(h), the Order granting the relief sought in this Motion will not be stayed for fourteen days after entry, but will be effective and enforceable immediately upon entry.

21. Finally, the Trustee requests that the Court find that in light of the absence of any objections or other responses to the Motion and the notice given by the Trustee, any party with a lien, claim, encumbrance, or other interest in Portfolio 13 that is not a Permitted Exception under section 11 of the Credit Bid Agreement has consented to the proposed sale free and clear within the meaning of Bankruptcy Code § 363(f)(2). The absence of objections to a proposed sale free and clear after due notice to potential holders of liens or other interests in the property to be sold constitutes consent within the meaning of § 363(f)(2). *FutureSource LLC v. Reuters Ltd.*, 312 F.3d

281, 285-86 (7th Cir. 2002); *Pusser's (2001) Ltd. v. HMX, LLC*, 2012 WL 1068756, at *8 (N.D. Ill. Mar. 28, 2012).

22. Here, the Trustee will give notice of the proposed sale free and clear by mailing and publishing the finalized versions of the Form Sales Notice and Sales Publication Notice approved by the Bidding Procedures Order. (*See* Dkt. 316 ¶¶ 7-10; *see also* Dkt. 302-5 (Form Sales Notice); Dkt. 302-6 (Sales Publication Notice).) To date, the Trustee has conducted a diligent investigation into the identities of potential holders of liens, claims, encumbrances, or other interests in Portfolio 13, including by reviewing various public records, ordering and analyzing title commitments and minutes of foreclosure, and via the Trustee's ongoing investigation into the business and financial affairs of the Debtors. The Trustee will file papers certifying to the notice given, including a full service list, within a reasonable time after giving notice. (*See* Dkt. 316 ¶¶ 8, 10.) Under these circumstances, the absence of any objections to the proposed sale will constitute consent by any party with a lien, claim, encumbrance or other interest in Portfolio 13 with the exception of those holders of any claim or interest that falls within the Permitted Exceptions under section 11 of the Credit Bid Agreement.

23. The Sales Notice and Sales Publication Notice will also inform the recipients that any objections or responses to the Trustee's proposed sale of Portfolio 13 must be made by Thursday, April 19, 2018. (*See* Dkt. 316 ¶ 11; Dkt. 302-5; Dkt. 302-6.)

NOTICE

24. For motions like this one, Bankruptcy Rule 2002(a)(2), (c)(1) and (k) and Bankruptcy Rule 6004(a) and (c) provide for twenty-one days' notice to the U.S. Trustee, the debtor, creditors, and other parties in interest, including parties that may have liens, encumbrances or other interests in a property proposed to be sold free and clear, of such a proposed sale of

property other than in the ordinary course and free and clear of liens and other interests “unless the court for cause shown shortens the time or directs another method of giving notice.” Fed. R. Bankr. P. 2002(a)(2). *See also* Fed. R. Bankr. P. 9006(c)(1) (“[W]hen an act is required or allowed to be done at or within a specified time . . . the court for cause shown may in its discretion . . . order the period reduced.”) and Fed. R. Bankr. P. 9007 (providing general authority to regulate notices).

25. As noted above, the Court already has approved and authorized specialized notice procedures and a briefing schedule for purposes of the proposed sale covered by this Motion. (*See* Dkt. 316 ¶¶ 7-11.)

26. Accordingly, the Trustee has given twenty-eight days’ notice of this Motion to the U.S. Trustee, the Debtors, creditors, and other parties in interest, and has made this Motion in accordance with Bankruptcy Rule 9014, including by serving this Motion in the manner specified by Bankruptcy Rule 7004 and within the time provided by Bankruptcy Rule 9006(d). Additionally, pursuant to the Bidding and Sale Procedures and the Bidding Procedures Order, and Bankruptcy Rules 2002 and 6004, the Trustee will give at least twenty-one days’ notice of the sale free and clear proposed in this Motion to the U.S. Trustee, the Debtors, all creditors and parties in interest in these cases, and all other parties currently known to the Trustee after a reasonably diligent investigation as potentially having a lien or other claim or interest in or against the Properties. Under the circumstances, the Trustee believes that the notice given is sufficient and appropriate and no further or other notice is necessary to satisfy due process.

WHEREFORE, the Trustee respectfully requests that the Court enter an Order substantially in the form of the attached proposed order:

A. Finding that Amalgamated is a purchaser in good faith within the meaning of Bankruptcy Code § 363(m);

B. Finding that the Trustee has given sufficient and appropriate notice of this Motion and the proposed sale and no further or other notice is necessary;

C. Finding that in light of the absence of any objections or other responses to the Motion any party with a lien, claim, encumbrance, or other interest in or against Portfolio 13 that is not a Permitted Exception under section 11 of the Credit Bid Agreement has consented to the sale of Portfolio 13 free and clear of any such interests pursuant to Bankruptcy Code § 363(f)(2);

D. Authorizing the Trustee to sell Portfolio 13 and approving the sale of Portfolio 13 pursuant to the Lender Fee Agreement attached hereto as Exhibit B and the Credit Bid Agreement attached hereto as Exhibit C, and free and clear of all liens, claims, encumbrances and other interests, with any such interests to attach to the proceeds of the sale, except as otherwise provided by section 11 of the Credit Bid Agreement;

E. Providing that the Order so entered will not be stayed for fourteen days after entry, but will be effective and enforceable immediately upon entry, pursuant to Bankruptcy Rule 6004(h); and

F. Granting such other or further relief as the Court may deem just.

Respectfully submitted,

Dated: March 29, 2018

RONALD R. PETERSON, not individually
but as the chapter 7 Trustee for the bankruptcy
estates of Mack Industries, Ltd., *et al.*,

By: /s/ Ronald R. Peterson
Ronald R. Peterson

Ronald R. Peterson (2188473)
Angela M. Allen (6295519)
Landon S. Raiford (6297473)
Nicholas E. Ballen (6320258)
JENNER & BLOCK LLP
353 N. Clark Street
Chicago, IL 60654
TEL: 312-222-9350
FAX: 312-527-0484

Counsel for the Chapter 7 Trustee